

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05CR379-C**

UNITED STATES OF AMERICA)	
)	
Plaintiff,)	
v.)	ORDER
)	
THEODORE HOWZE,)	
)	
Defendant.)	
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THIS MATTER comes before the Court upon the Defendant’s “Motion Seeking review of Prejury (sic) Testimony Within the Grand Jury Hearings” (Document No. 53) filed March 8, 2007.

By his Motion, Defendant seeks to have the Court provide him with free copies of transcripts from his criminal case, specifically transcripts of grand jury testimony. Defendant states that such transcripts “would form prosecutorial mis-conduct” claims. (Motion at 2.) However, the Court notes that Defendant was sentenced on August 31, 2006 and judgement was entered on September 6, 2006 and no notice of appeal has been filed nor has a Motion to Vacate been filed. Because there is no pending appeal or Motion to Vacate, this Court is without authority to order that Defendant be provided with free transcripts. Indeed, a prisoner is not entitled to a free transcripts without a showing of need, merely to comb the record in hopes of discovering some flaw. United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963).

NOW, THEREFORE, IT IS HEREBY ORDERED that Defendant’s Motion for Transcripts is Denied.

SO ORDERED.

Signed: March 27, 2007

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
Chief United States District Judge

